

JOURNAL OF THE HOUSE.

Monday, June 26, 2006.

The House was called to order, there being no objection, sooner than the time to which it had adjourned, at three minutes before eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Gracious God, as the legislative and public policy issues of the week begin to unfold and to be discussed, we pause for a moment to seek Your direction. We pray for the wisdom to understand and evaluate correctly the impact and consequences of our decisions. In this era of possible terrorist actions and local street violence, strengthen our belief in the importance of human and spiritual values and dignity of each person from the youngest child to the most senior adult. Inspire us to unite all people in building a stable, civil and orderly society in which the dignity of each person is recognized and respected.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Recess.

At one minute before eleven o'clock A.M., on motion of Mr. Peterson of Grafton (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock noon; and at twenty-one minutes before one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Message from the Governor — Disapprovals and Reductions in Supplemental Appropriation Bill.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and reductions in certain items contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 5056] (for message, see House, No. 5091) was filed in the office of the Clerk on Saturday, June 24.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Message from the Governor — Supplemental Appropriation Bill Returned with Recommendations of Amendments.

Supplemental
Appropriation
Bill,
amendments.

A message from His Excellency the Governor returning with recommendations of amendments sections 41, 42, 44, 89, 98, 116, 133 and 134 contained in the engrossed Bill making appropriations for the fiscal year 2006 to provide for supplementing certain existing appropriations and for certain other activities and projects [see House, No. 5056] (for message, see House, No. 5091 — Attachments C to J, inclusive) was filed in the office of the Clerk on Saturday, June 24.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the amendments severally were thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendments recommended by the Governor, the subject-matters (printed as House, Nos. 5093 to 5100, inclusive) were referred, in each instance, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Message from the Governor — Disapprovals and Reductions in Economic Stimulus Bill.

Economic
Stimulus
Bill,
vetoes and
reductions.

A message from His Excellency the Governor returning with his disapproval of certain items and sections and reductions in certain items contained in the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy [see House, No. 5057] (for message, see House, No. 5101) was filed in the office of the Clerk on Saturday, June 24.

The message was read; and it was referred, under Rule 30, to the committee on Ways and Means.

Message from the Governor — Economic Stimulus Bill Returned with Recommendations of Amendments.

Economic
Stimulus
Bill,
amendments.

A message from His Excellency the Governor returning with recommendations of amendments sections 21, 25 to 28, inclusive, 31, 52, 59, 74, 92 and 95 contained in the engrossed Bill relative to economic investments in the Commonwealth to promote job creation, economic stability, and competitiveness in the Massachusetts economy [see House, No. 5057] (for message, see House, No. 5101 — Attachments C to J, inclusive) was filed in the office of the Clerk on Saturday, June 24.

The message was read; and, under the provisions of Article LVI of the Amendments to the Constitution, the amendments severally were thereupon “before the General Court and subject to amendment and re-enactment”.

Pending the question on adoption of the amendments recommended by the Governor, the subject-matters (printed as House, Nos. 5103 to 5110, inclusive) were referred, in each instance, on motion of Mr. Golden of Lowell, to the committee on Bills in the Third Reading.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Coppola of Foxborough) recognizing Major Joshua Davidson Green for his service and bravery while serving in the United States Air Force;

Joshua
Davidson
Green.

Resolutions (filed by Mr. Correia of Fall River) congratulating Saint Anne’s Parish on the occasion of the one hundredth anniversary of Saint Anne’s Church;

St. Anne’s
Parish.

Resolutions (filed by Mr. Keenan of Salem) on the occasion of the second annual Salem Senior Recognition Day;

Salem Senior
Recognition Day.

Resolutions (filed by Ms. Khan of Newton) congratulating Mary Dobies on receiving the Gold Award of the Girl Scouts of America;

Mary
Dobies.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Ryan Simoneau on receiving the Eagle Award of the Boy Scouts of America;

Ryan
Simoneau.

Resolutions (filed by Representatives Parente of Milford, Frost of Auburn, Kujawski of Webster, Peterson of Grafton and Callahan of Sutton) congratulating the Blackstone Valley Regional Vocational Technical School “Beavers” varsity girls softball team;

Blackstone
Valley High
School girls
softball team.

Resolutions (filed by Mr. Turner of Dennis) congratulations to Gene L’Etoile and Chester Robinson on the completion of the Brewster Whitecaps new home field, the Stony Brook Field; and

Gene L Etoile
and Chester
Robinson.

Resolutions (filed by Ms. Wolf of Cambridge) honoring Teresa Neighbor on her retirement from the Cambridge Election Commission;

Teresa
Neighbor.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rush of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Order.

The following order (filed by Mr. Torrisi of North Andover) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Community Development and Small Businesses be granted until Monday, July 31, 2006 within which time to make its final report on current Senate number 2543.

Community
Development
and Small
Businesses,
extension
of time for
reporting.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Papers from the Senate.

A Bill establishing the Martha’s Vineyard and Nantucket housing banks (Senate, No. 2555) (on Senate bill, No. 2230), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Islands,
housing
banks.

Health
Boards of
Registration.

A report of the Senate committee on Senate Ethics and Rules, asking to be discharged from further consideration of the Senate Bill relative to health related boards of registration (Senate, No. 1267), and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure, accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, insomuch as relates to the reference.

Lincoln,
liquor
license.

A report of the committee on Election Laws, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 2503) of Susan C. Fargo (by vote of the town) for legislation to authorize the town of Lincoln to issue a single license for the sale of wine and malt beverages, and recommending that the same be referred to the committee on Consumer Protection and Professional Licensure, accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence.

Police training
commission.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by resolve, Senate, No. 2600) of Edward M. Augustus, Jr., and Karyn E. Polito that provision be made for an investigation and study by a special commission (including members of the General Court) relative to the Police Training Commission; and

Secretary
of Public
Safety,
ID cards.

Petition (accompanied by bill, Senate, No. 2601) of Jarrett T. Barrios for legislation to empower the Secretary of Public Safety to establish regulations relative to the issuance of police identification cards;

Severally to the committee on Public Safety and Homeland Security.

Reports of Committees.

Solicitors,
registration.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Cleon H. Turner and others for legislation to regulate unsolicited sales visits to homes of consumers and providing for the registration of “solicitors” in the cities and towns of the Commonwealth. To the committee on Consumer Protection and Professional Licensure.

Leo D.
Shea,
sick leave.

Petition (accompanied by bill) of Thomas J. O’Brien and others for legislation to establish a sick leave bank for Leo D. Shea, an employee of the Trial Court Department. To the committee on the Judiciary.

Police
officers,
powers.

Petition (accompanied by bill) of Marie J. Parente relative to the powers and duties of police officers to include the serving and execution of civil warrants. To the committee on Public Safety and Homeland Security.

Under suspension of the rules, on motion of Ms. Balser of Newton, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

Interim
appropriations.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill making certain appropriations for the fiscal year ending June 30, 2007, prior to final action on the General Appropriation Bill for said fiscal year (House, No. 5068) ought to pass [cost: \$1,200,000,000.00]. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Ms. Balser of Newton, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. DeLeo of Winthrop, the bill (reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Assistive
mobility
devices.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Transportation to make an investigation and study of certain House documents concerning motor vehicle and highway safety and other related matters (House, No. 5086) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2184) of Harold P. Naughton, Jr., and others relative to regulating the operation of electric personal assistive mobility devices,—and recommending that the same be recommitted to the committee on Transportation. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Long term
care facilities.

Of the Bill relative to the voluntary closure of long term care facilities (House, No. 2675);

Bridgewater
Hospital.

Of the Bill relative to Bridgewater State Hospital (House, No. 2853); and

Internet
prescriptions.

Of the Bill to create the Massachusetts Internet prescription consumer protection act (House, No. 3651);

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Natural
and historic
resources.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill protecting the natural and historic resources of the Commonwealth (Senate, No. 2360) ought to pass. Referred, under Rule 33, to the committee on Ways and Means.

Capital
spending
authorizations.

By Mr. Flynn of Bridgewater, for the committee on Bonding, Capital Expenditures and State Assets, on a message from His Excellency the Governor, a Bill relative to certain capital spending authorizations (printed in House, No. 4961). Read; and referred, under Rule 33, to the committee on Ways and Means.

*Engrossed Bills.*Bills
enacted.

Engrossed bills

Relative to the loss of life due to fires caused by cigarettes (see Senate, No. 2403, amended);

Relative to creditable service for certain state contract employees (see Senate, No. 2462, amended);

(Which severally originated in the Senate); and

Providing for the licensing of genetic counselors (see House, No. 4326) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*Clinical
laboratories.

The Senate Bill relative to clinical laboratories (Senate, No. 725), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time.

Pending the question on passing the bill to be engrossed, Mr. Fennell of Lynn moved that it be amended by inserting after the enacting clause the following section:

“SECTION 1. Section 8 of chapter 111D of the General Laws, as appearing in the 2004, Official Edition, is hereby amended by inserting after the word ‘osteopath’, in lines 22 and 32, the following words:— or, for the sole purpose of requesting urine drug screening, department of public health licensed substance abuse clinics, state agencies or other government entities.”; and by inserting before the enacting clause the following emergency preamble:

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to prohibit certain actions by clinical laboratories, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”.

The amendments were adopted; and the bill (Senate, No. 725, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence on the amendments.

Recess.

Recess.

At a quarter after one o'clock P.M., on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

*Emergency Measure.*Interim
appropriations.

The engrossed Bill making certain appropriations for the fiscal year ending June 30, 2007, before final action on the General Appropriation Bill for that fiscal year (see House, No. 5068), having been certified by the Clerk to be rightly and truly prepared for final

passage, was considered, the question being on adopting the emergency preamble.

Bill
enacted.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the House) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Mr. Keenan of Salem then moved that as a mark of respect to the memory of J. Michael Ruane, a member of the House from Salem from 1975 to 2004, inclusive, the House adjourn; and the motion prevailed.

Accordingly, at twenty-three minutes before three o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.